

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DALE GARCIA and JANA
ARCHAMBEAU, husband and wife,

Plaintiffs,

V.

THOMAS BENENATI and LORETTA BENENATI, husband and wife and the marital community thereof; RYAN LAYTON and JANE DOE LAYTON, husband and wife and the marital community thereof; ROBERT INGRAM and JANE DOE INGRAM, husband and wife and the marital community thereof; HEATH YATES and JANE DOE YATES, husband and wife and the marital community thereof; MATT NILES and JANE DOE NILES, husband and wife and the marital community thereof; STATE OF WASHINGTON; WASHINGTON STATE PARKS AND RECREATION COMMISSION; JOHN and JANE DOES 1-20 and the marital communities thereof, and ABC CORPORATIONS 1-10.

Defendants.

No. 3:19-cv-05597-BHS

**AGREED ORDER GRANTING
INDIVIDUAL DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

**NOTE ON MOTION CALENDAR:
September 4, 2020**

This matter having come before the Court on the parties' agreement as to *Individual Defendants' Motion for Partial Summary Judgment*, Dkt. No. 21, and the Court having considered the Motion, this Court understands that the parties have agreed that the aforesaid motion should be granted, and finding itself fully informed,

**ORDER GRANTING INDIVIDUAL DEF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - 1**
3:19-cv-05597-RHS

1039-00012/19-5597 Garcia Stip order on S.I.docx

KEATING, BUCKLIN & McCORMACK, INC., P.S.

ATTORNEYS AT LAW
801 SECOND AVENUE, SUITE 1210
SEATTLE, WASHINGTON 98104
PHONE: (206) 623-8861
FAX: (206) 222-9422

The Court hereby **GRANTS** *Individual Defendants' Motion For Partial Summary Judgment* and **ORDERS** that all 42 USC §1983 claims against Defendants Robert Ingram, Ryan Layton, Heath Yeats, and Matt Niles (and their associated “Jane Doe” Defendants) are dismissed with prejudice and without assessment of costs or fees.

The Court further **GRANTS** *Individual Defendants' Motion for Partial Summary Judgment* and **ORDERS** that all state law claims against Defendants Robert Ingram, Ryan Layton, Heath Yeats, and Matt Niles (and their associated “Jane Doe” Defendants) are dismissed without prejudice and without assessment of costs or fees.

The Court further **GRANTS** *Individual Defendants' Motion For Partial Summary Judgment* and **ORDERS** that all state law claims against Heath Yeats (and his associated “Jane Doe” Defendant) are dismissed with prejudice and without assessment of costs or fees.

DONE IN OPEN COURT THIS 22nd DAY OF September, 2020.

Tom J. Selleck

BENJAMIN H. SETTLE
United States District Judge

Presented by:

KEATING BUCKLIN & MCCORMACK, INC., P.S.

By: /s/ Stewart A. Estes

Stewart A. Estes, WSBA #15535

Special Assistant Attorney General for Defendants
THOMAS BENENATI and LORETTA BENENATI,
RYAN LAYTON and JANE DOE LAYTON,
ROBERT INGRAM and JANE DOE INGRAM,
HEATH YATES and JANE DOE YATES, MATT
NILES and JANE DOE NILES, STATE OF

**ORDER GRANTING INDIVIDUAL DEF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT - 2**
2:19-cv-05507-BHS

KEATING, BUCKLIN & MCCORMACK, INC., P.S.

ATTORNEYS AT LAW
801 SECOND AVENUE, SUITE 1210
SEATTLE, WASHINGTON 98104
PHONE: (206) 623-8861
FAX: (206) 223-9423

1 WASHINGTON, and WASHINGTON STATE
2 PARKS AND RECREATION COMMISSION

3 LEEMON + ROYER, PLLC

4 By: /s/ Mark Leemon
5 Mark Leemon, WSBA #5005
6 Attorneys for Plaintiffs
7 403 Columbia Street, Suite 500
8 Seattle, WA 98104
Tel: 206-269-1100
Fax: 206-269-7424
leemon@leeroylaw.com

20
21 ORDER GRANTING INDIVIDUAL DEF'S MOTION FOR
22 PARTIAL SUMMARY JUDGMENT - 3
23 3:19-cv-05597-BHS

24 1039-00012/19-5597 Garcia Stip order on SJ.docx

25 KEATING, BUCKLIN & McCORMACK, INC., P.S.
26 ATTORNEYS AT LAW
27 801 SECOND AVENUE, SUITE 1210
SEATTLE, WASHINGTON 98104
PHONE: (206) 623-8861
FAX: (206) 223-9423